

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**UNITED STATES OF AMERICA
and STATE OF WISCONSIN,**

Plaintiffs,

v.

NCR CORPORATION, et al.,

Defendants.

TELEPHONE PRETRIAL CONFERENCE

Case No. 10-C-910

HONORABLE WILLIAM C. GRIESBACH presiding

Deputy Clerk: Mary

Proceeding Held: November 28, 2012

Tape: 112812

Hearing Began: 3:32 p.m.

Hearing Ended: 3:55 p.m.

Appearances:

Plaintiffs: Randall Stone, Kristin Furrie and Jeffrey Spector for USA
Cynthia R. Hirsch for State of Wisconsin

Defendants: Darin P. McAtee and Omid H. Nasab for NCR;
Ron Ragatz, Dennis Birke and Megan Senatori for Appleton Papers, Inc.;
Philip C. Hunsucker, David A. Rabbino, Allison E. McAdam and
Anne E. Lynch for Menasha Corp.;
Nancy K. Peterson for WTM 1;
Richard Yde and Ted Waskowski for City of Appleton;
Susan Lovern and Terry Nilles for CBC Coating, Inc.;
Karl Lytz, Mary Rose Alexander and John Burgess for Georgia Pacific;
Kevin J. Lyons for Neenah-Menasha Sewerage Commission;
Ian AJ Pitz for Brown County;
Sarah A. Slack for Kimberly-Clark Corp;
David Mandelbaum and Frank Citera for PH Glatfelter;
Steven P. Bogart and Scott W. Hansen for US Paper Mills

The Court addresses status of case. Atty. Stone responds that he believes case can be completed by December 21, 2012. The Court confirms that there will be no court held on Thursday (Dec. 6) and Friday (Dec. 7) due to travel to a conference. Atty. Stone inquires as to length of trial days. Court Reporter John Schindhelm states that typical trial day would be 7-8 hours with breaks in the morning, afternoon and for lunch. Atty. Stone states parties have stipulated to facts and exhibits in order to make the most of time allotted. Atty. McAtee agrees with time allotted for trial and is prepared to start with his witnesses on Wednesday.

Atty. Nasab requests Court's leave to depose Menasha's witness David Austin. Atty. Hunsucker objects to deposition. Atty. Nasab replies. Atty. Hunsucker responds. The Court DENIES NCR's request to take the deposition of David Austin.

Atty. Hunsucker states time allotted for trial may be tight to get witnesses in, but is satisfied to address that issue at a later time and after the trial has begun.

Atty. Yde inquires as to the status of stipulations efiled by City of Appleton, Neenah-Menasha Sewerage Commission and Kimberly-Clark regarding participation in trial. The Court states that since there is no opposition it approves [644] and [685] stipulations and will enter orders.

The Court cancels the pretrial hearing on Friday, November 30, 2012.

The Courtroom Deputy informs the parties that, on the first day of the trial, the Jackson Street entrance will be open at 6:30 a.m. and the courtroom will be open at 8:00 a.m. The parties confirm that they do not anticipate reading depositions into evidence at the trial, but may submit them as marked exhibits. Counsel are directed to be present in the courtroom at 8:30 a.m. to check in with the clerk. The case will be called at 9:00 a.m. on the first day of trial and at 8:30 a.m. every day thereafter.

Court adjourns.